

Choosing Heresy — Peter Cameron's *Heretic*

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Heresy is derived from the Greek verb *hairein*, which means "to choose". A *haireisis* originally meant, quite simply, the taking of a choice. A derived meaning is that of an opinion. In the New Testament, the word had already acquired a specifically religious connotation — that of a faction or party within the wider religious community. But the etymology remains sharply illuminating.

Convicted of heresy in the Presbyterian Church of Australia, Dr Peter Cameron has published a personal account of his trials at the hands of his adopted Australian church. He demonstrates a level of active choice by writing that "I hope that this book will both increase the number of heretics, and improve their prospects".¹ The author is very close to the critical events, both personally and temporally, and this partly explains the keenness of the language, the frequent references to *Alice in Wonderland*, and the eagerness to demonstrate a "bum rap". Yet, in labelling his accusers as the heretics² and challenging them to cast the first stone,³ Cameron raises fundamental questions about freedom and justice, and the role of voluntary associations in our culture. At one level, the work is a powerful call for freedom of thought and expression in a tradition where Cameron stands with Luther, Mills and Holmes. Yet, at another level, the reader is challenged to ponder the extent to which freedom of association entails the right of the voluntary association to set and enforce its own rules, however repugnant this may strike the outsider.

Cameron is a Scot who trained for the law and became a solicitor. He then entered theological studies in Edinburgh, Tuebingen and Cambridge. Yet, having armed himself with a theological doctorate, he became a procurator fiscal (public prosecutor). A few years later, he bounced back from the law to the church and was ordained as a minister in the Church of Scotland. Much later in life he perceived the similarities of the law courts and the institution of the church. ("To the initiated ... everything is familiar and necessary and apparently significant. But to those outside ... a strange and alien world, full of bewildering procedures, solemnities, formalities and customs".)⁴ Although he admits that this truth was kept from him in youth, his see-sawing career probably gave him early glimpses.

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1 pxii.

2 p112.

3 p122. This is not the only parallel with issues discussed in Helen Garner's recent work, *The First Stone* (1995).

4 p13.

In 1991 Cameron was "received" into the Presbyterian Church of Australia, and became Principal of St Andrew's College in the University of Sydney. The College is associated with the Presbyterian Church of Australia, and one infers that Cameron mistakenly assumed a greater similarity between that Church and its mother Church, the Church of Scotland. Historically he may have been correct, but it is the nature of voluntary associations to evolve in accordance with the changing views of those who can control the majorities at general meetings. In 1991 the General Assembly of the Presbyterian Church of Australia decided to stop ordaining women to the ministry, reversing a decision of 1974. Like many inside and outside the Church, Cameron was extremely disturbed about this shift and the increasingly fundamentalist trend it grew out of. Like many inside the Church, he could have chosen to leave in favour of a theologically more liberal church. Instead he remained, to challenge his accusers as the ones who had strayed from the fundamentals of their religious tenets as declared in the Westminster Confession of Faith. This Confession was composed in the 1640s and is known as the "subordinate standard" (the "superior standard" being the Bible). These standards are the foundation documents of the Church. Cameron seeks to demonstrate a sharp divergence between the interpretation and application of these standards in Scotland and Australia. This is a common phenomenon to those familiar with the history of national churches and national legal systems, each of which can vary widely while claiming common allegiance to identical source documents.

The essential disagreement between Cameron and his accusers was whether the Confession demanded of its ministers who subscribed to it that they adopt a literalist/fundamentalist approach to the Bible. Of course, fundamentalism is largely in the eye of the beholder, but it is possible to recognise a clear spectrum of belief as to the literal infallibility of the Bible. Cameron stands at the liberal end of the spectrum. (He rejoices at how the study of languages and modern biblical scholarship "had broken down the dogmatic presuppositions of the orthodox, and transformed the Bible from an oppressive and often repellant textbook into a collection of historical and intensely human responses to God".)⁵ Such views placed a great gulf between him and accusers who proudly saw themselves as a true remnant that remained after many like Cameron had left to join the Uniting Church in Australia in 1977.

Cameron preached a sermon on "the Place of Women in the Church". He might have joined issue with the fundamentalists on their own ground and argued that evidence could be found within the facially contradictory passages of Christian scripture about the role of women in society generally and the church in particular. In part he did so. "It seemed to me that the only way to stop the Fundamentalist takeover was to stand up to these churchyard bullies and unmask them and their methods for what they were."⁶ In defending himself he often used the techniques of his opponents. For example, he argued that if St Paul could describe his own views as "opinions" then, at least as to those, others were free to disagree.

5 p7.

6 p149.

But Cameron chose to go a step further and question the *authority* of any of St Paul's recorded views. Regarding the Bible as a "collection of very human responses to God"⁷ he challenged the fundamentalist approach to the authority of the Bible. "I wanted to open their eyes to the humanity in the Bible and the divinity in themselves".⁸ Cameron chose to stand inside his Church and to fight, perceiving the religious significance of the particular issue (the equality of men and women before God) and the even greater importance of the exegetical and hermeneutical issues that he saw lying behind the Church's 1991 volte-face.

Cameron's spirited defence of religious freedom of thought and expression draws on well-honed powers of logic and rhetoric. In challenging the fundamentalist world-view, he accuses his accusers of departure from both fundamental Presbyterian standards and humble Christian charity. As a liberal, Cameron concedes that a fundamentalist position may be open (at least for fundamentalists). But the rigid fundamentalist, like the totalitarian, cannot return the favour. Yet Cameron argues persuasively that, in a charge of heresy, the issue should have been whether (according to the constitutional tenets of the Presbyterian Church) his view was legally permissible, or whether it was an offence in church law to uphold and proclaim it.

Recent developments in Australian constitutional law have affirmed that it is in the interests of all, and of the cause of truth itself, that the right of free speech about our own political structures should be protected.⁹ Cameron's defence, which he reproduces at length from transcripts of the Church processes, argues for that same freedom within the structures and strictures of a confessional church. He saw that what was at stake was

Christian freedom: the freedom to work out our own salvation, without being bullied into adopting the party-line If someone wants to see the Bible as his or her assurance of salvation, I have no objection at all. It is a matter of supreme indifference to me. What I am anxious to do is to indicate to people who cannot accept such a position that there are within Christianity legitimate alternative views. In other words, my purpose is not to convert the Fundamentalist — I know my limitations. My purpose is to liberate the non-Fundamentalist from the stranglehold of the Fundamentalist interpretation of the Bible.¹⁰

In his work *The Heretical Imperative*¹¹ Peter Berger argues that the notion of heresy presupposes the authority of a religious tradition. The heretic denies this authority, refusing to accept the tradition in toto. To the rigidly orthodox this attitude is disturbing, especially since the heretic's wilfulness undermines the central tenet of orthodoxy itself. Heretics are odd fish in our modern western culture where postmodernism teaches that certainty of belief is illusory. Alan Bloom, in his *Closing of the American Mind* suggests that "the recent

7 p25.

8 Ibid.

9 *Australian Capital Television Pty Ltd v Commonwealth* (1992) 177 CLR 106 (the *Political Advertising Case*). See also *Abrams v United States* 250 US 616, 630 (1919) (Holmes J, joined by Brandeis J).

10 p139.

11 Berger, P, *The Heretical Imperative* (1979).

education of openness" has taught that "there is no enemy other than the man who is not open to anything". He describes attempts to "weaken religious beliefs, partly by assigning — as a result of a great epistemological effort — religion to the realm of opinion as opposed to knowledge."¹² Cameron's classical liberalism does not slip into this morass, for he argues at length that his accusers are mistaken in their world-view. Yet his crusading attitude obviously challenged fundamentalism head-on, both in its mind and its heart. To identify, condemn and exclude the heretic asserts the importance of the tradition as perceived by the prosecutors.

Much of Cameron's account is devoted to demonstrating that the conviction was flawed, the outcome of misapplication of rules by a dim and biased tribunal. Again and again the author demonstrates the logical fallacies of his opponents. He is sharp in condemnation of his accusers. ("The Australian Presbyterian scene ... is very much a case of the kingdom of the blind, in which the one-eyed man is king. I was quite prepared to admit that I was a theological cyclops, but I didn't see why I should be judged by bats.")¹³ Drawing on his legal training, which he put to use in his own defence, he is also able to demonstrate frequent lapses into procedural irregularities and (more debatably) denials of procedural fairness. He also complains of the secrecy surrounding the proceedings. Without denying for a second the cogency of these arguments, or their significance to Cameron's history, one is sometimes left pondering why Cameron has bothered so much if he welcomes the badge of heresy.

Why such attention to legal and formal irregularities? At least one answer suggests itself. Cameron is at pains to make good the thesis that those who are concerned with matters of truth and judgment must proceed justly, lest they undermine their own legitimacy. The police officer who "verbals" to overcome the deficiencies of a weak case against someone known to be guilty is a topical example of this form of temptation. Prosecutors and judges are exposed to it as well.

This leads to the second level of issues triggered by Cameron's apologia. To this reader at least, the book necessarily raises the role of the voluntary association in society and the extent to which it can make and enforce its own rules. The traditional reluctance of judges to be drawn into the domestic disputes of voluntary associations is based on pragmatic and principled grounds. Amongst the latter are the recognition that those who established the association may not have intended to create legally enforceable rules. Non-established churches are the paradigm voluntary associations. Whilst they may have constitutions which are intended to be immutable in adherence to certain tenets, the historical evidence as to a subjective intention to call in the secular arm to resolve differences is equivocal. In the Christian tradition this is reinforced by doctrinal statements against brethren suing brethren in civil courts.¹⁴ The Courts have generally been responsive to such views, and have endeavoured to avoid being drawn into doctrinal disputes.¹⁵ There is also the difficulty that courts lack the

12 Bloom, A, *The Closing of the American Mind* (1987) at 27-8.

13 p151.

14 See, eg, 1 Corinthians 6. Curiously these passages are ignored again and again in the Protestant Christian tradition.

15 See, eg, *Scandrett v Dowling* (1992) 27 NSWLR 483; *Whittle v The Australian Miniature*

evidentiary equipment to resolve certain types of religious dispute.¹⁶ In Samuel Beckett's words, "God is a witness that cannot be sworn."¹⁷ The law recognises that history is replete with examples of dissatisfied minorities shaking the dust off their shoes and leaving to form a fresh church.

Of course the law cannot keep out entirely, lest it fail to allow the voluntary association to function at all. Since humans are social beings that exercise wide choices, it is vital that legal structures should facilitate their mutual dealings in such a way as to preserve the individual's liberty of entry and departure, and the group's capacity to function in aid of its common goals. Voluntary associations, trusts and non-profit corporations are the commonly used vehicles for a plethora of social, sporting, charitable and religious groupings. Freedom of association is a fundamental human right guaranteed by numerous international conventions. By definition, that freedom extends to any lawful purpose of the founding members' choosing.

The Flat Earth Society must be free to expel an office holder who repudiates central doctrine. It may even need the assistance of the courts in requiring the officer to hand over the books and vacate the official residence. A Flat Earth Society can also exclude non-believers and expel back-sliders. In doing so its members may need to invoke the law to keep outsiders from trespassing upon club premises. But what if there is dispute as to critical events, including the "heresy" of the Magellanites, or the fair procedures of the expelling majority? The members may have clothed their association in the legal garb of contract, corporation and trust. Prima facie this creates rights and obligations inter se and against outsiders. Judges are understandably reluctant to put off their mantle of neutrality, yet they feel compelled to intervene where property rights are conditioned upon *unalterable* doctrinal purity.¹⁸

These principles of judicial restraint remind that the law tolerates levels of unfairness where to do otherwise would undermine the very function of the voluntary association. It follows that to attack the "lawfulness" of a heresy judgment does not necessarily attract a right to judicial review. In the main, Cameron the heretic acknowledges this. His attack on the legitimacy of the conviction does not look to legal vindication. He has sought none. Had he done so, he would have failed because his livelihood was not threatened by the judgment.¹⁹ Yet, in emphasising the universality of the duty of fair dealing, he touches the heart of justice, which believers would acknowledge to be close to the heart of God itself.

Cameron exclaims at one point: "[w]hat has love got to do with rules?"²⁰ Yet the bulk of his work is a compelling demonstration of the need for consistency

Pony Society Inc (1995) 57 FCR 252 for religious and secular examples of these principles.

16 See, eg, *Church of the New Faith v Commissioner of Pay-Roll Tax (Vic)* (1983) 154 CLR 120 at 134 per Mason and Brennan JJ.

17 Beckett, S, *Watt* (1970) at 6.

18 *General Assembly of Free Church of Scotland v Lord Overtoun* [1904] AC 515; *Attorney-General (NSW) v Grant* (1976) 135 CLR 587.

19 No sentence was passed. In any event Cameron's continuing standing as a minister of the Church of Scotland probably safeguarded his right to remain as Principal of St Andrew's College. He has recently resigned from this position.

20 p143.

and fair dealing in all matters. It also serves to remind that in judging we are all judged, especially if humility is absent. In his "History and Influence of the Puritans",²¹ the renowned American jurist Joseph Story referred to the burning of witches in the following terms:

Let Witch Hill remain for ever memorable by this sad catastrophe, not to perpetuate our dishonour, but as an affecting, enduring proof of human infirmity; a proof, that perfect justice belongs to one judgment-seat only, that which is linked to the throne of God.

Not all heretics are on the side of the angels, but those who condemn them must tread most carefully.

21 Story, W W (ed), *The Miscellaneous Writings of Joseph Story* (1852) at 468.